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In re Application of	:	DECISION ON
WEHSRSPOHN et al	:	
Application No.: 10/507,311	:	
PCT No.: PCT/EP03/76702	:	
Int. Filing Date: 11 March 2003	:	PETITION UNDER
Priority Date: 11 March 2002	:	
Attorney's Docket No.: 14836-46755	:	
For: METHOD FOR PRODUCING HOLLOW	:	
FIBRES	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 25 January 2005.

### **BACKGROUND**

On 11 March 2003, this international application was filed, claiming an earliest priority date of 11 March 2002.

On 09 September 2004, applicants filed the Transmittal letter for entry into the national stage in the United States. The basic national fee was not provided at that time. An executed declaration was submitted on 11 March 2003 at the same time as the Request (PCT/RO/101).

On 18 January 2005, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicant has failed to provide the full U.S. Basic National Fee by 30 months.

On 25 January 2005, applicants filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by, *inter alia*, basic national fee and the petition fee for revival of an unintentionally abandoned application.

### DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a

continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

### DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date (c)(1), (c)(2), and (c)(4) of this application is 25 January 2005.



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